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FREDERICK W. GIBB, III Gibb Intellectual Property Law Firm, LLC 844 West Street SUITE 100 ANNAPOLIS, MD 21401			ABDI, KAMBIZ	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT S. FELTON,
WILLIAM S. SKUBISH,
and
RONALD P. VARRA

Appeal 2009-012433
Application 09/982,225
Technology Center 3600

Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and ANTON W.
FETTING, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1, 3 to 14, and 16 to 20. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

Claim 1 is illustrative:

1. A method for verifying a value of goods on a supplier invoice, said method comprising:
 - compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system, wherein said statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, and wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system;
 - inputting a first value of imported goods in said data processing system, said inputting of said first value comprising inputting a value claimed on an import declaration;
 - inputting a second value of imported goods in said data processing system, said inputting of said second value comprising inputting a value claimed on a payment invoice;
 - selectively comparing said first value with said second value;

performing a logic step, wherein said logic step comprises one of:

alerting a user if said first value does not equal said second value; and
making an automated payment if said first value equals said second value;
and
repeating said method for subsequent supplier invoices.

Appellants appeal the following rejection:

Claims 1, 3 to 14, and 16 to 20 under 35 U.S.C. § 103(a) as unpatentable over Walker (US Pub. 2002/0095355 A1, pub. Jul. 18, 2002) in view of Official Notice.

ISSUE

Did the Examiner err in rejecting the claims because Walker does not disclose making an automated payment if a first value claimed on an import declaration equals a second value on a payment invoice?

FACTUAL FINDINGS

Walker discloses a computer implemented international trade system (Abstr.). Walker discloses that a commercial invoice is created upon the acceptance of a *pro forma* invoice by the buyer (para. [0050]). Walker also discloses that based on the countries of export and import as entered into a transaction template the disclosed system reviews the products for any specific government regulatory requirements pertaining to declarations (para. [0087]). Paragraph [0088] discloses that the system flags all errors and potential compliance problems. This disclosure refers back to paragraph

[0087] which discloses that the systems review the products for government requirements related to labeling/packaging, product certification, pre-shipment inspections, etc. There is no discussion about comparing the value on the payment invoice and the value on the declaration.

ANALYSIS

The Appellants argue that Walker does not disclose making an automated payment if a first value claimed on an import declaration equals a second value on a payment invoice. We agree. Although the Examiner is correct that Walker discloses an import declaration and a payment invoice, Walker does not disclose that the value on the payment invoice is compared. In addition, although we agree with the Examiner that Walker discloses that payment is made, Walker does not disclose that the payment is made automatically if the value on the declaration equals the value on the payment invoice. In view of the foregoing, we will not sustain the rejection as it is directed to claim 1 and claims 3 to 7 dependent thereon. We will likewise not sustain this rejection as it is directed to claims 8 and 14 and dependent claims 9 to 13, and 16 to 20 because claims 8 and 14 also recite making an automatic payment if the value on the payment invoice is equal to the value on the declaration.

Appeal 2009-012433
Application 09/982,225

DECISION

We reverse the decision of the Examiner.

REVERSED

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FREDERICK W. GIBB, III
Gibb Intellectual Property Law Firm, LLC
844 West Street
SUITE 100
ANNAPOLIS, MD 21401